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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13
14 STEVEN PRESCOTT, individually and on
15 behalf of all others similarly situated,

16 Plaintiff,

17 v.

18 MARS, INC.,

19 Defendant.

20 Case No. 3:23-cv-01352-VC

21 **JOINT STIPULATION AND ORDER TO**
22 **TRANSFER VENUE**

23
24 Court: 5, 17th Floor (Hon. Vince Chhabria)

STIPULATION

Plaintiff Steven Prescott (“Plaintiff”) and Defendant Mars, Incorporated (“Mars”), by and through their undersigned counsel, stipulate as follows:

WHEREAS, Plaintiff filed the Complaint in this action on March 22, 2023;

WHEREAS, Mars agreed to waive service on March 27, 2023;

WHEREAS, the current deadline for Mars to answer or otherwise respond to the Complaint is May 26, 2023;

WHEREAS, Mars has not yet responded to the Complaint, and no other proceedings have occurred in this action;

WHEREAS, a first-filed, nearly identical putative class action, *Millman v. Mars, Inc.*, Case No. 2:23-cv-00079-LDH-SIL (the “NY Action”), is currently pending before the Honorable Judge LaShann DeArcy Hall in the Eastern District of New York;

WHEREAS, the parties in this case and the NY Action have discussed the optimal approach to managing these overlapping actions to promote judicial efficiency;

WHEREAS, the parties agree that this action should be transferred to the Eastern District of New York and should proceed on the same track as the first-filed NY Action in order to conserve judicial resources, avoid potentially conflicting rulings, and reduce motion practice;

WHEREAS, this stipulated transfer serves the convenience of the parties and witnesses and advances the interest of justice consistent with 28 U.S.C. § 1404(a);

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1 THEREFORE, IT IS AGREED AND STIPULATED, subject to the Court's approval, that
2 this action be transferred to the United States District Court for the Eastern District of New York.
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4 Dated: May 5, 2023

MORRISON & FOERSTER LLP

6 By: /s/ William F. Tarantino
7 WILLIAM F. TARANTINO

8 Attorneys for Defendant
9 MARS, INCORPORATED

10 Dated: May 5, 2023

11 CLARKSON LAW FIRM, P.C.

12 By: /s/ Bahar Sodaify
13 BAHAR SODAIFY

14 Attorneys for Plaintiff
15 STEVEN PRESCOTT

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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18 Dated: May 24, 2023

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HON. VINCE CHHABRIA
20 United States District Judge